

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

CHARLES SPRINGFIELD,

Plaintiff,

v.

Civil Action No. 5:07CV167

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

**REPORT AND RECOMMENDATION THAT THIS ACTION BE DISMISSED FOR
FAILURE TO COMPLY WITH THE ORDER OF THE COURT THAT AN IFP
APPLICATION INCLUDING HIS SPOUSES' INCOME AND ASSETS BE FILED**

On December 20, 2007, Charles Springfield, ["Plaintiff"], filed a complaint under 42 U.S.C. § 405(g) and an Application for Leave to Proceed in forma pauperis. On January 11, 2008, and again on February 4, 2008, the Court directed Plaintiff to complete the District's new IFP form. Plaintiff finally filed the completed form on February 20, 2008. On March 11, 2008, Plaintiff was directed to file the new IFP application including his spouse's income and assets. On August 8, 2008, Plaintiff was again ordered to complete a new IFP application including his spouse's income and assets within fourteen (14) days. That Order advised Plaintiff that failure to comply with the Order would result in a Report and Recommendation that this action be dismissed. More than four (4) months have passed and Plaintiff has still not complied with the Court's Order.

Accordingly, it is recommended that this action be **DISMISSED**.

DATED: January 16, 2009

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE